Yhwh

"The State of New Mexico," and, ***Donald-Blaine*:** [Bailey]; The Organic Assembly of We The People and their Posterity; The unanimous Declaration of the thirteen united States of America: Anno Domini: 1776; Rev. St. 17 91,1792 (Law of This Flag); The Constitution for The United States of America: Anno Domini: 1787, The Ten Articles In addition thereof : 1791, 1 Statute, 122, Chapter XI May 26, Anno Domini: 1790; 2 Statute 298, Chapter LVI, Section 2, Anno Domini: 1804, The Organic Act Establishing the Territory of New Mexico; Anno Domini: 1850; Declaration of Rights of the Compiled Laws of New Mexico, of 1897, Sections 3765, 3778, 3779; and, Article twenty one of The New Mexico Constitution, COMPACT WITH THE UNITED STATES, Entitled: An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an "equal footing with the original states," Approved June twentieth, nineteen hundred and ten; The act of March 3rd, 1911, Sixty first Congress, Session III, Chapter 231, Section 291.[my emphasis]

Second judicial district-305-Little-Johnson-Valley-Road-Kingston : Tennessee;
C/o- 1325-Lopez-Drive- S.W. Albuquerque : New Mexico,
Zip Code Exempt per Public Law 91-375, Section 403 (b) (2) (c),
Domestic Mail Services-122.32., Re: Zip Code Use

In the, District Court for the New Mexico Judicial District

FIRST CONGRESS. SESS. I. CHAPTER 20, SECTION 2

Case # CIV 00 0242 JC

LESLIE C. SMITH

Donald-Blaine: [Bailey],

The Petitioner,

v

Jeff Romero, Second judicial district attorney; Irma Pluemer, Assist. District attorney; Ronald Grenko, New Mexico Bar licensed attorney; Patricia Madrid, New Mexico Attorney General, All, Officially and Individually, et al.,

Respondents.

EMERGENCY REQUEST FOR HEARING; TEMPORARY RESTRAINING ORDER; AND DECLARATORY JUDGMENT

1. The Petitioner [hereinafter at times, he, me, my, I, etc.,] is The Petitioner only as identified in the made a matter of Public Record Affidavit, attached hereto as exhibit A, and is an exact copy of the original it represents, as are all

of the attached Exhibits, A, B, C, and D, and is incorporated herein by this reference. ***Donald-Blaine*:** [Bailey], is an unincorporated "white Citizen," "one of the Sovereign People," as explained in Scott v. Sanford, 60 U.S. 393 at 394, and other authority, shown infra, and within the meaning, **spirit** and **intent** of the Founding Fathers, i.e. those men who signed their names to, The unanimous Declaration of the thirteen united States of America, in 1776, and pledged their lives, their fortunes, and their **sacred honor** in support of the purposes and intent of that document, for One Nation, (One People) which became a, **blood stained** document, and its off-spring, The Constitution *for* the United States of America, of 1787-1791. The Petitioner is unlearned in the law as it is understood today, by most Government agents, and is especially unlearned in Court procedure, but still, affirms the foregoing and following is true, under the penalty of perjury per [Title 28, U.S.C. 1746 (1)] and respectfully asks for liberal consideration in entertaining this petition and the requests granted to **STOP NOW**, this **constant oppression**.

2. The Jurisdiction invoked for this particular is from the act of March 3rd, 1911, Sixty first Congress, Session III, Chapter 231, Section 291, and it is written: "Wherever, in any law not embraced within this act, any reference is made to, or any power or duty is conferred or imposed upon, the circuit courts, such reference shall upon the taking effect of this act, be deemed and held to refer to, and to confer such power and impose such duty upon, the district courts" (hereinafter, This District Court); Jurisdiction is also invoked under **this Constitution** *for* the United States of America of 1787-1791 (hereinafter, **this Constitution**), first, via the introduction, a.k.a. the Preamble; and, Article 1 Section 10, "No State shall.... pass any Bill of Attainder, ex post facto Law... or grant any Title of Nobility." Article III, Sections 1 and 2, "The judicial Power of the United States shall be vested in..... such inferior Courts as the Congress may from time to time ordain and establish;" and, "The judicial Power shall extend to **all** Cases in Law and Equity, **arising under this Constitution**.... ;" and, Article IV, Sections 1, 2 and 4 in pertinent part: and, "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State;" and, Section 2, "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States;" section 4, "The United States shall guarantee to every State in this union a Republican Form of Government;" and, Article VI, second and third paragraphs, a.k.a. The Supremacy Clause, and this petition shows how all of THE FOREGOING PARAMOUNT CONSTITUTIONAL LAW, IS ignored, flouted, etc. by the Respondents, and other Government Servants of, "this Law" from, **"this Constitution"** (my emphasis).

3. In light of the foregoing and the following authority, shown infra, the major questions for This District Court's adjudication/acknowledgment, are: Is, ***Donald-Blaine*:** [Bailey], a Citizen, within the meaning of the term, fellow-Citizens, as written in The "unanimous Declaration of the thirteen united States of America, Anno Domini: 1776, and a Free Citizen, as written in The Articles of Confederation (1781), and, Citizen of The United States, within the meaning of Article 1, Sect. 2, clause 2; Article II Section 1 clause 5; and, Article 4, Section 2 (Citizens of each State) of **this Constitution, OR**, is, ***Donald- Blaine*:** [Bailey], a, **SUBJECT** (explained infra); and/or, a citizen of

the United States, within the purpose, and **intent**, of the declaratory Amendment Fourteen of the, U S Constitution of 1868, and if not, is, ***Donald-Blaine***: [Bailey], still amenable to "procedural due process of law" as mandated by the Fourteenth Amendment in any Court in this Nation, U. S. A.; when:

(a). **"The main purpose of the thirteenth, fourteenth, and fifteenth amendments was for the freedom of the African race."** Slaughterhouse cases (1872), 83 U.S. (16 Wall.) 36, 21 L. Ed. 394; and, Justice Miller, in rendering the opinion of the court, also said:

"It is true that only the Fifteenth Amendment, in terms, mentions the Negro by speaking of his color and his slavery But it is just as true that each of the other Articles (the 13th and 14th Amendments) was addressed to the grievances **of that Race** and designed to remedy them (grievances) as the Fifteenth (Amendment)." and,

(b). "The fourteenth amendment, although prohibitory in terms, confers a positive immunity or right to the **colored race**,--the right to exemption from unfriendly legislation against **them** distinctively as **colored**." Strauder v. West Virginia (1879), 100 U.S. 303, 35 L. Ed. 664. Accord also, Cory v. Carter (1874), 48 Ind. 327, 17 Am. Rep. 738, and other authority to tedious to list; and,

(c). Citizens: Subjects. The members of this society, or the individual units whose association forms the body politic known as the state, are called *citizens* or *subjects*; the former term (Citizens) being used in states having **republican** forms of government; the latter (Subjects) in those in which **monarchial** institutions exist." Accord, The Elements of International Law, 4th ed. George Davis, Harper and Brothers, Publishers.

(d). Subject. *Constitutional law*. "One that owes allegiance to a **sovereign** and is governed by **his** laws." Swiss National. ins. Co. v. Miller, 267 U.S. 42, 69 L. Ed. 504. (my emphasis throughout).

4. In the introduction of **this Constitution,** it is written in pertinent part: "**We the People**... in order to... **establish Justice**,.... and **secure** the **Blessings** of **Liberty** to **ourselves** and our **Posterity**, do **ordain** and **establish** this Constitution ***for*** the United States of America."

5. The Petitioner believes that **established** therein (The Preamble, above in # 4) is the precept that each Citizen is a **Sovereign** in International Law of equal Character (Status) with any other Sovereign, e.g., **ANY KING**, and "his laws," are in **this Constitution**, and in each State Constitution, in their proper sphere, and not in conflict with each other, as shown infra. That which is created, e.g. government and its structure, is not superior to the Creator. Since all the People cannot spend their time maintaining order, they must choose a few of their number to act as a governing body. The men who govern are appointed by the People to carry out the People's orders, aka the constitutions, both federal and state. The government is merely the agent of the People who control it at all times. At least this is how it was originally, and meant to remain as such. "Unalienable rights" are rights which cannot be taken away from the People, lawfully,---by any government, not even by the People themselves. However, these rights can be "lost, waived, etc." and mostly through the subtle deceit and fraud on the part of certain government agents, including the Second judicial district attorney personnel, et al., here in Albuquerque: N. M.; as explained, infra.

6. Per Article IV, Section 4 of **this Constitution**, it is The Petitioner's position that, "Full Faith and Credit.... ." is a command to the several States of the Union, called, The United States of America, which they (the several States) must obey, in that it is one of the nationalizing clauses of **this Constitution.** "The public Acts [that is, the laws], records and judicial Proceedings" (judgments and decrees of the courts) of one State must be given in every other

State "the force and effect to which they are "entitled in the State where rendered." The Petitioner believes that this provision, Article IV, Section 4, is ignored and flouted by the Respondents et.al. in New Mexico, explained infra, and because, for starters, in the Case of State v. Manuel, 20 N.C. 144 page 152, the Court said:

(a). "The **sovereignty** has been **transferred** from one man (King George) to the collective body of the people and he who **before was** a **subject** of the king is **now** a citizen of the state" and,

(b). "The People(not peoples), THAT ENTIRE BODY CALLED, the state." Well's v. Bain 75 Penn. St. 39; and,

(c). "The people of this state, as the successors of their former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative." Lansing v. Smith, 4 Wend. 9, page 20, and,

(d). Citizen, in American Law. "One of the Sovereign People." Scott v. Sanford, 60 U.S. 393/404; Federalist #78; Penhallow v. Doan, 3 Dall. 54, 93; 2 Elliot's Debates 94; Bancroft, History of the Constitution, 267.

7. In addition, attached hereto and incorporated herein by this reference is, the Request for Declaratory Judgment with the brief in support thereof, for This District Court to make a determination for declaratory judgment regarding the character of Citizenship of, ***Donald-Blaine*:** [Bailey]. This seems like a Federal question, and The Petitioner respectfully asks for a decision regarding same, because, no New Mexico State Court will "entertain" this request.

THE FACTUAL BACKGROUND

8. The, Eddy county district court, Fifth judicial district, and, the Bernalillo county district court, in the Second judicial district, in New Mexico, have repeatedly in the past, refused to honor or "entertain" common law petitions for writs of habeas corpus from and pertaining to The Petitioner being incarcerated and arising from criminal trespass for being on the Eddy county N.M. courthouse grounds, and after that, from alleged motor vehicle violations, i.e., no driver's license, registration, insurance, and the New Mexico Supreme Court refuses to honor or entertain common law petitions for writs of mandamus and prohibition, pertaining to the petition(s) for writ of habeas corpus, and later, in another, but similar situation, a *plea in abatement*, per no driver's license, etc., for dismissal, until they become **moot** issues, explained infra, and all the Courts, supra, ignore all of my affidavits, e.g., Positive Identification; Rescission for Fraud of Social Security number, although my affidavits are never overcome by counter evidence, by anyone, so, I, ***Donald-Blaine*:** [Bailey], apparently have no choice, presently, but to file "my position" papers, under duress, exigency, protest and objection, in these courts, which so far, has proven to be better than depending on the ignored and later denied "common law petitions," as is apparent from the result of at least being adjudicated, not guilty, so far, as is evidenced in Exhibit B, called, Affidavit of Facts opposing Foreign Venue..., consisting of 12 pages including additional exhibits, attached thereto and hereto and incorporated herein by this reference. However, the attached criminal complaint, being one of the exhibits in Exhibit B, and **all** documents issuing from the State Courts, in Exhibit B, **are not** Judicial process and are not issued or served under the Judicial Power of The State of New Mexico, nor by the authority of any Judge or Court exercising the Judicial Power of The State of New Mexico, but is legislative (statutory process). The Petitioner has never **voluntarily** appeared in response to any of the attached **pretended** Citations/Complaints, but he did appear under **duress**,

exigency, protest and objection, under the fear of force of arms because of the **threat** of force of arms and later, forced, vi et armis to appear, in jail attire, as a result of appearing initially, and the following shows, in part, a continuation of over ten years of **oppressing** The Petitioner, and involves certain "STATE OF NEW MEXICO" law enforcement personnel, judges and attorneys as shown, infra. The current situation begins on August 6, 1999, as shown in Exhibit B. Rather than repeat my position, stand, etc, again, in this document, this is more fully explained in Exhibit B, initially filed, under duress. One thing This District Court may be (?) interested in, is, the criminal complaint, attached, is sworn or affirmed to under the penalty of perjury, that, the "**Subject** (which is what it is insisted I am, i.e., a **SUBJECT**) was **observed** consuming an alcoholic beverage,....." and yet both **"PEACE OFFICERS,"** George Garcia and Stephanie Foster, swore or affirmed under the penalty of perjury, in the "Bernalillo county metropolitan court," and later, after that, in the "Bernalillo county district court," that, they **DID NOT** SEE OR OBSERVE ME, THE PETITIONER, DRINKING OR CONSUMING AN ALCOHOLIC BEVERAGE ! How can it be both ways, or, how can the criminal complaint be truthful and their testimony saying the opposite, also be truthful ? It obviously doesn't matter, and apparently it depends on WHO perjures himself or herself, as to the penalty for perjury being relevant and executed. Perjury on the part of my accusers, et al., is a **repeated** pattern and all it serves to do is get **all** of the government accusers (Servants of the Law ?) **promoted** in their profession. Also, when, as in the past, it is **adjudicated** that my accusers, violated certain **secured** rights of **both** the Federal **and** State constitutions, they too are **promoted**, not punished! One such Servant of the Law, Monte Lyons, of the Carlsbad City Police Department, was promoted to Captain rank, from Lieutenant, and today, **he**, is a Judge! So much for our Constitutions and their oaths of office. I have an Affidavit of Truth signed by 4 witnesses that the "perjury element," supra, is true, pertaining to the "Bernalillo county metropolitan court," INCIDENT, case # CR-11617-99, AND THE, Bernalillo county district court, case # LR-99-237, IS ON THE TRANSCRIPT. It is also irrelevant to the STATE Courts, that the true issue regarding the drinking in public charge (the alleged violation of 12-4-8 NMSA PROVISION, AS SHOWN ON THE CRIMINAL COMPLAINT, APPLIES TO COMMUNIST ACTIVITIES AND NOT DRINKING IN PUBLIC) centers on the truth that, I, ***Donald-Blaine***: [Bailey], was not and am not a "person" as identified in the Albuquerque city ordinance, regarding drinking in public, which is not listed on the criminal complaint, but both courts, supra, chose to ignore that defect as well as **all** other **defects**, e.g. (DOB and a Social Security Number, of which I do not have) and "entertain," instead, a violation of the city ordinance, which applies only to artificial entities per the doctrine of noscitur a sociis, and of which both courts refused to address or acknowledge the doctrine of noscitur a sociis or allow the proof The Petitioner tried to offer, of same. The present CR-97-0-3569 Case is the reason for this Petition, and as the attached criminal complaint shows, there was a warrant for an arrest, (which had apparently been "outstanding," at that time, for 21 months) for, a, DONALD BAILEY, in all capital letters, which is the "signal, sign etc." of an artificial, or a nom de guerre entity, aka, a **SUBJECT**, and, I, ***Donald-Blaine***: [Bailey], fail to see how I am a **SUBJECT** and how we still have a **Republican** Form of Government per Article 4, Sect. 4 of **"this Constitution,"** (see #3 (c)-(d), supra).

RE: The Christian Name (Appellation).

9. "Names are *Christian*," as Benjamin, or surnames, as Franklin. See Bouvier's Law Dict., under names,1859 Ed. 10. Myer v. Fegaly, 39 Penn. 429, on page 431, it is written :"All of the authorities dwell upon the **importance** of **preserving** the *Christian* name; and in Cro. Jac. 558, 640, and 5 Co.43, and Cro. Eliz. 57, 222, if the Christian name be wholly mistaken, this is regularly **fatal** to all legal instruments and the reason assigned is, BECAUSE IT IS REPUGNANT TO THE RULES OF THE CHRISTIAN RELIGION." (my emphasis). See, also, Id, A New Abridgement of The Law, By Matthew Bacon, Volume VII, Publisher, Thomas Davis, Philadelphia, Penn.

RE: Dolus, Names in ALL CAPITAL LETTERS and Nom de guerre.

11. Two ways, that, I, *Donald-Blaine*: [Bailey], am aware of, for accomplishing the pernicious, nefarious end result of NOT PRESERVING the *Christian* name, is by changing it into a name that is FICTITIOUS, FEIGNED, COUNTERFEIT, etc., by using all CAPITAL LETTERS in the name and/or surname and/or changing same into a Nom de guerre, e.g., according to the Hodges Harbrace College Handbook, "One use of all capital letters is: "Proper names of a BUSINESS, or other entities that are NOT ALIVE, e.g. NASA, PAC-MAN, FORTRAN." According to Mager's Encyclopedic Dictionary of English Usage, Prentice Hall, Inc. (1974), it is written, in pertinent part: " A name spelled in all capital (upper case) letters DOES NOT FOLLOW, inter alia, the rules for proper names in English Grammar." According to U.S. v. Goldenberg, 42 L. Ed. 394, page 398, the Court say: "The lawmaker is presumed to know the English rules of grammar." Apparently, the Court's PRESUMPTION IS EITHER WRONG, OR IGNORED, and it cannot be expected that the "law en**FORCE**ment" personnel know (?) either, but so far, for the most part, they don't want to know and this is because, THEY DON'T CARE, and since "the tyranny of the American system of government very largely consists in the actions of the municipal authorities" (Accord, Swift v. City of Topeka, 43 Kan. 671, page 674) it is OBVIOUS that this municipal mentality has, like a deadly cancer, spread its ugly tentacles into every branch of government, with possible (?) rare exceptions, and the rare exception is being "lucky" enough to have a judge who has integrity, knowledge, and a firm judicial philosophy which is considered today, politically incorrect, so, I no longer wonder why, re: legal matters, ALL the licensed attorneys say, "GOOD LUCK.." The Nom de guerre (WAR NAME), is accomplished by putting the surname first, and then followed by the *Christian* name, or part of it in all upper case letters, e.g. BAILEY, DONALD B. ; or, Donald B. BAILEY, etc., BUT, "an initial is no part of a name," accord, Monroe Cattle Co. v. Becker, 147 U.S. 47, 37 L. Ed. 72, head note # 7, and page 77; Walton v. Marietta Chair Co. 157 U.S. 342, 39 L. Ed. 725, and other authority to tedious to list. Even worse, is taking my ***Christian*** **name**, which is, ***Donald-Blaine***, and reversing same, military style, into, Blaine, Donald, and calling it an **alias-nick**name, which **IS NOT** *preserving* the *Christian* name ! See hi-lite portion of Exhibit C.

12. Although, I, ***Donald-Blaine*****:** [Bailey], was, and, am now still **forced** to be here in New Mexico because of the current "legal" situation, which is a continuation of the seemingly never ending "same ol same ol thing" for ten years +, and previously, because of a so called "**private**" probate matter, which was still proceeding in January 19-98, since August of 1989, 8 years and 5 months later, which is the latest information I, The Petitioner, am aware of,

and although I am the Surviving Spouse, re: that "private matter," nevertheless, at times, I was not allowed to see the probate file, PB-90 106 W-JWF, because, I was advised by the Eddy county district court assistant clerks, Joyce Hatfield and Tracy Cothern, that, "**THIS IS A PRIVATE MATTER.**" Also, I, was never notified of a trial regarding the probate matter. Once, I was put in jail for criminal trespass for being at the Eddy county courthouse, regarding this private matter and suffered in the federally condemned jail for 29 days. Please remember, what I say is said under the penalty of perjury. Additionally, Judge, Fred Watson, adjudicated in August of 1993, that I, or rather, IT, BAILEY, DONALD B., whom Judge Watson, also called, BAILEY, DONALD W. (W, for WHITEBOY) (proof available) was not entitled to an intestate share of the estate, due to the "length" of the marriage, which was 46 months, or 3 years and 10 months. This was decided **after** the marriage was deemed valid, by Judge, Fred Watson, who deemed the marriage, invalid for four years. I discovered these judgments, etc, always after the fact, sometimes, months afterwards. In October of 1997, over 8 years after the death of my wife, David Vandiver, attorney for the personal representative (appointed by Judge Fred Watson, and without bond) admitted to a "new Judge," Jay Forbes, in writing, that his client has "misled him" and refused to correspond with him regarding the funds ($65,000) he had put in the personal representative's thieving hot hands in August, 1990. So much for the sanctity of marriage or life, and so much for the common law maxim that says: "There is nothing more sacred, more inviolate, than the home of every man." David Vandiver, literally stole, in collusion with the personal representative, Judges Charlene Wright, Fred Watson, and Stroud Realtors in Carlsbad N.M., my home, land, appurtenances and a Lowery MX1 Organ that my wife gave to me as a **wedding gift** which cost over $23,000 (twenty three thousand), (proof available) and David Vandiver sold the organ for $220.00 (two HUNDRED and twenty), (proof available) to someone who is still unknown to The Petitioner. There are, without doubt, legal ways to steal, but there is no lawful way. As a result of covin, collusion, perjury, misrepresentation, etc., I am left homeless and destitute. It is not an overstatement in saying, "I am existing in a **depraved predatory** society" (proof available). However, by being here for so long, still, I am not a citizen of New Mexico, meaning, one of "its" citizens, and I say this in good faith because of the following authority, and I now know that attorneys, I believed, (I never claimed that I was not **stupid**) were AT BEST, unaware of (?) and misled me into believing that I was a citizen and resident of, "STATE OF NEW MEXICO."

13. In *Sharon* v. *Hill,* Federal Reporter, Volume 26, on page 342, it is written :

"Citizenship" and "residence," as has often been declared by the courts, are not convertible terms. *Parker* v. *Overman*, 18 How. 141; *Robertson* v. *Cease*, 97 U.S. 648; *Grace* v. *American Cent. Ins. Co.*, 109 U.S. 283; S. C. 3 Sup. Ct. Rep. 207; *Prentice* v. *Barton*, 1 Brock. 389. Citizenship is a *status* or condition, and is the result of **both** act **and intent.** An adult person **cannot** become a citizen of a state by simply intending to, nor does any one become such citizen by mere residence. The residence and the **intent** must co-exist and correspond; and though, under ordinary circumstances, the former may be sufficient evidence of the latter, it is not conclusive, and the contrary may always be shown; and when the question of citizenship turns on the intention with which a person has resided in a particular state, his own testimony, under ordinary circumstances, is entitled to great weight on the point."

The Petitioner believes that he probably is a "person" in the above sense, the problem being, because:

"Key words like "citizen," "state," and "person" do not always and invariably mean the same thing." Accord,

National Mutual Ins. Co. v. Tidewater Transfer Co., 69 S. Ct. Rep. page 1194. Another key word, is, United States. 14. But, I, The Petitioner, do know that I am not a "person" or "citizen" within the meaning of the 14th Amendment of the U.S. Constitution of 1865-on, forward, (?) which **IS** in **reverse** < of, and not in pursuance > of, the original order of the paramount law established by, "We The People." Accord, U.S. v. Hall, 26 Fed. Case, 79 and, U.S. v. Rhodes, 27 Fed. Case 785. I also know that it is true, that, it is, and has been historically accepted and presently convenient, after the adoption of the **War** Amendments, for the, "STATE," to commence "its" cases in courts other than the one supreme court. On the other hand, the court, in U.S. v. Woodley, 726 F. 2d. 1328 on page 1338, say "A practice condemned by the Constitution cannot be saved by historical acceptance and present convenience." I believe this should be honored when the truth of error is revealed. Presuming that This District Court will decide that, "IT", "STATE OF NEW MEXICO" does have the lawful authority to initiate these charges, against another IT, e.g. DONALD B. BAILEY, etc., but, if This District Court "**sees**" that, ***I, Donald-Blaine:*** (Bailey), am not the all capital letter nom de guerre, **SUBJECT**, "**STRAWMAN,**" BAILEY, DONALD, etc., THEN, is this Case, CR-97-0-3569, in the proper court, in light of Ames v. Kansas, 111 U.S. page 488, as it is written, in pertinent part: " In all cases affecting Ambassadors..... and those in which a State shall be party, the supreme Court shall have original jurisdiction," when the Ames Court goes on to criticize, in part, the Judiciary Act of 1789, Ch. 20, 1 Stat. At L. 73, by saying : "It thus appears that the first Congress, in which were many who had been leading and influential members of the Convention, and who were familiar with the discussions that preceded the adoption of the Constitution by the States and with the objections urged against it, **did not understand** that the original jurisdiction vested in the supreme Court (by **this Constitution**) was necessarily exclusive. That jurisdiction included **all cases** affecting Ambassadors, other public ministers and consuls, and those in which a State was a party. The evident purpose was to open and keep open the highest court of the Nation for the determination, in the **first instance**, of suits **involving a State** or a diplomatic or "**commercial**" representative of a foreign government." So, It also appears that since the supreme Court say in Buckner v. Van Lear, 2 Peters 590, in pertinent part : "the States (several States) are necessarily foreign to and independent of each other;" and, in 16 S. Ct. 1073, 41 L. Ed. 287, the supreme Court say, in pertinent part: "The United States Government is a foreign corporation with respect to a State," with this in mind, and the alleged charges being apparently "commercial in nature" (whatever that means), accord Title 27, C.F.R. 72. 11, it appears this is another reason why this CR-97-0-3569 Case/Controversy, must be in the, one supreme Court, as it is written in **this Constitution**, in Article 3 (III) Section 2, clause 2, and another reason for same is, the Ames v. Kansas Court, goes on to say on page 489: " In Marbury v. Madison, 1 Cranch, 137, decided in 1803, it was held that **Congress had no power** to give the supreme Court original jurisdiction in other cases than those described in the Constitution, and *Chief Justice* Marshall, in delivering the opinion, used language, on page 175, which might perhaps, imply that such original jurisdiction as had been **granted** (DELEGATED) **by** the Constitution was exclusive." In Black's Law Dictionary, 5th Edition. Page 991, the definition of **original** jurisdiction is defined as : "Jurisdiction in the first instance. Jurisdiction to take cognizance of a cause at its inception, try it, and pass judg-

ment upon the law and facts. Distinguished from appellate jurisdiction." What can be more clearer than this ? However, my understanding of this definition, and my "Citizenry stand", is why I am considered incompetent, and dangerous,(?) and according to my adversaries, I need to be in the Las Vegas NM Hospital, again, to get my mind right. But, I understand how **any socialist** thinking reprobate traitor will say this, and has the might to put me there.

15. I, ***Donald-Blaine***: [Bailey], desire to give oral testimony regarding this Citizen/Subject/citizen *status*, although I know now, how, and why, what has transpired and still is transpiring is regarded as, "ORDINARY" but I fail to understand how it is accepted, condoned, promoted, considered **lawful**, and rewarded by the Courts. But this is probably because I am unlearned in the "law." I have been advised that I am 100% morally correct, but 100% out of touch with the "law." If this is true, then this "law" is **100% immoral**. But, **WHAT LAW** am I out of touch with ? At any rate, The Petitioner also respectfully requests This District Court make a decision regarding whether or not Bar licensed attorney, Ronald Grenko, is correct when he **refuses** to address these and many other issues raised by The Petitioner, even though a hearing has been demanded by The Petitioner and demanded since November 24, 1999, in the, "Bernalillo county district court," regarding Case # CR-97-0-3569, when, and, the issues are :

(A). Whether or not there was and is lawful probable cause for the so called arrest (kidnapping) on August 6th 1999, when the "alleged defendant," is found "NOT GUILTY" of the alleged statutory crimes of drinking in public/disorderly conduct, which led into an additional arrest for failure to appear for arraignment on November 26, 1997, per the so called, Grand Jury (Board of inquiry) indictment, see, Exhibit D, when the "alleged Defendant" was not served **any notice,** to appear, and The Petitioner had no knowledge of same, until **after** August 6, 1999, approximately 21 months later, and same was acknowledged as **true** by The Honorable (and, he is) Ross: Sanchez, on Sept. 3rd, 1999, in case # CR-97-0-3569, which **is still** pending in the Bernalillo county district court. At that time, The Petitioner did not have any "counsel," which was FINE, but now, how do I fire someone I never hired, namely, Ronald Grenko, who should be **disbarred,** if not hanged by his traitorous stretched neck, explained, infra.

(B). Taking into consideration, the truth, that, I, ***Donald-Blaine***: [Bailey], **DID BECOME AWARE** of The Grand Jury (Board of Inquiry) Indictment, and the Notice of Arraignment for appearance, for November 26, 1997, and the Bench Warrant, per, Judge Woody Smith, **AFTER** THE August 6th, 1999 arrest, AND, since I was advised on August 9, 1999, that, "you (I guess, meaning me), will be getting a notice to appear to answer for, failure to appear on November 26, 1997," and of which I ALSO **never received** (Notice to appear, for failure to appear for arraignment on 11/26/97) or became aware of UNTIL I began checking into this MORASS myself, being **weary** and **wary** from waiting for a notice that never came, AND getting all sorts of conflicting answers, obstruction, round robin treatment, etc. UNTIL FINALLY, AND BY PHONE, SOME LADY, in the criminal division (division, ANOTHER MILITARY TERM) of, SECOND JUDICIAL DISTRICT COURT, (all caps) informed me, sometime in the fourth week in August, 1999, that an arraignment was set for August 27, 1999, Judge Frank Allen, presiding, AND I did appear, under **duress, protest, exigency, and objection,** AND, I informed Judge, Frank Allen, of the following: "Judge

Allen, I, ***Donald-Blaine***: [Bailey], am forced to be here in a jurisdiction and venue foreign to my character standing in that I am one of the Sovereign People in this Nation, meaning the several States, known as the United States of America, within the original meaning purpose and intent of the founding fathers and I am not a citizen or person within the meaning, purpose and intent of the Fourteenth Amendment of the United States Constitution and as shown, for one example, in Title 42, United States Code, Sections 1981 and 1982." This statement, appeared to make Judge Frank Allen, become "unglued," and for whatever reason(s), Judge Frank Allen, **said** I was in contempt of court, and REVOKED the so called cash only $5,000 BOND, which I contend IS RANSOM FUNDS, consisting of FLAT, FIAT PAPER AKA MILITARY SCRIP, (which **is** legal tender in a **military venue**) and, REMANDED ME, OR IT, TO B.C.D.C., where I was assaulted violently, kicked in the face, by another prisoner, and not allowed to make a report until the next week. I was in the "TOMB" from Friday morning, August 27, 1999, until Monday morning August 30, 1999, whereupon, I, was **forced** to appear, in jail attire, before the Honorable (?) Frank Allen, again, AND, whereupon, for whatever reason(s), Judge Frank Allen, put $150,000 CASH ONLY BOND ON IT, DONALD BAILEY, AND I was, or IT, "BAILEY," is REMANDED again to B.C.D.C. where I, and/or IT, "stayed" until around midnight, Friday, September 3rd, 1999, when, I am, or IT, is advised, by a B.C.D.C. employee, that, "You are discharged" (?), Thanks To The **Honorable** Judge, Ross: Sanchez, as he, Judge Sanchez, reinstated the original $5,000 bond, (but why ?) AND, taking these true facts into consideration, did Judge Frank Allen, overstep his bounds of **POWER** (not lawful authority), by doing what is stated above, AND are acts like these Judicial Virtues, OR, those of a TYRANT AND DESPOT, AND, are acts such as these the New Age Version of "due process of law" DUE to the **MERGER** of law and equity AND the development of the LAW (THE DEVELOPMENT ???), and, is a violation of the due process of the law, STILL, reversible error ? By demanding a $5,000 cash only bond, for failure to appear, when it is not the alleged defendant's fault, as the **alleged defendant** never received **any kind of notice** to appear, and when I, ***Donald-Blaine***: [Bailey], did appear, and, timely, when I became aware of an arraignment, only to have the bond revoked, and later raised to $150,000 cash only, is confusing, at best, and another sign of tyranny, is it not ? Or, is this "**just**," procedural due process , as mandated by the 14th Amendment?

(C). Since the essential basic elements of due process of law are notice and opportunity to defend, etc. and since the alleged defendant never received any notice to appear, originally, so he, ***Donald-Blaine***: [Bailey], or IT, DONALD BAILEY, etc., could RESPOND, in November, 1997, or thereafter, until the fourth week of August, 1999, did Judge, WC Woody Smith, overstep his bounds of authority, by having a $5,ooo cash only bond put on IT, DONALD BAILEY, OR, was he, Judge Smith, MISLED by the prosecuting attorney, or et al. into thinking that, **BAILEY**, was served the NOTICE TO APPEAR, AND FAILED to do so, i.e., appear, and is this kind of tactic in violation of the due process of the law, being that it is not the alleged defendant's fault that any or all notice(s) were sent to a non existing address that apparently, a, Cynthia Vandermark, gave to the " Peace Officers," et al.? This, CR-97-0-3569 matter was set, in August, 1999, for trial, on January 10, 2,000. This was postponed for a competency hearing

regarding The Petitioner's "competency," for January 12, 2,000, which was postponed for a motion to dismiss hearing on January 14, 2,000. The motion to dismiss was filed (simply for, "untimely service of process"), by the attorney, Ronald Grenko, who is an attorney beholden to my adversaries, because, for one thing, which is a **con**-tinuing thing with him, Ronald Grenko, the only thing that transpired on January 14, 2,000, **con**sisted of, Ronald Grenko, **browbeating** and **trying to coerce** The Petitioner into pleading guilty to a misdemeanor, criminal trespass, when the charges are all felony charges, and of which is a continuation of his same routine for months. This was also done in the presence of 16 "observers." **What are "they" trying to cover up** ? In other words, there was nothing brought up regarding any motion to dismiss which was supposed to be the purpose of the hearing on January 14, 2000. I never paid, this, Ronald Grenko, one cent or more to, "represent me," or, "BAILEY." I have been told that "others" paid him to "represent me," ***Donald-Blaine***: [Bailey], but I, The Petitioner, don't know for sure who the "others" are ! Since I have been forced over the years to accept bar licensed "counsel," (?) whether I wanted same or not, whether I protested and objected and took exception or not, did not matter, for I was forced to accept same. That is, unless I am the plaintiff, etc., then I cannot find one, NO NOT ONE attorney to help me and no Court will appoint ANYone, when I am the Plaintiff, etc., and if I ever do have anyone to assist me when I am the Plaintiff, etc., that will be, ONE IN A ROW !! Ronald Grenko, is beholden to my adversaries also for ignoring the following, in a letter I wrote and sent to him on January 5, 2000, which should be self explanatory.

January 5, 2,000

To: Ronald Grenko

From: Donald-Blaine: [Bailey]

Ronald Grenko:

In Blackstone's Commentaries, Vol. 4 *134, common *barretry* is spoken of. This section says in pertinent part: ".....if the offender (as is too frequently the case) belongs to the profession of law is thus able as well as willing to do mischief, ought to be disabled from practicing for the future." This section continues by saying, and with my emphasis: "Hereunto may also be referred another offence, of EQUAL MALIGNITY AND AUDACIOUSNESS; THAT OF SUING ANOTHER IN THE NAME OF A FICTITIOUS PLAINTIFF ;....." This section continues by saying this offence is pernicious and of high contempt. I, Donald-Blaine: [Bailey], AGREE, and just because the DELEGATED powers of today, register the fictitious name, does not make it any less pernicious, audacious, malign, and contemptuous. The fictitious plaintiff's name in this CR-97-0-3569- **con**troversy is, STATE OF NEW MEXICO, AND NOT, "The State of New Mexico," in upper and lower case letters, as is mandated in Article VI, Section 20 of the New Mexico constitution which says verbatim, and, it is written : All writs and processes shall issue, and all prosecution shall be conducted in the name of "The State of New Mexico." Please file a notice and demand for a show cause hearing as to why the district attorney personnel involved in the CR-97-0-3569 case, should not be held in contempt of court for prosecuting this case in the name of a fictitious plaintiff, namely, STATE OF NEW MEXICO, per Blackstone's

*134, Commentaries supra; and by virtue of the adoption of the common law of England which is in force in New Mexico. Accord, Maljamar Oil v. Malco Refineries, 155 F. 2d 673 (10th Circuit 1946); and, In light of State v. Boyer, 103 N.M. 655, 712 P.2d 1, which says in pertinent part: " (defense counsel has an Obligation to raise all issues desired by defendant provided counsel does not knowingly make false statements of law or fact)," please raise properly and preserve this issue regarding the Character of Citizenship, as explained in the Request for Declaratory Judgment, filed on November 24, 1999, PM 3: 46. Actually, I have 14 issues, as shown in the Request for Hearing filed on November 24th, 1999, but apparently, this is overwhelming and a burden on everyone, so therefore, I can only hope to resolve 1 issue at a time, but I haven't been "LUCKY" enough in ten years to have 1 issue adjudicated. Maybe this is because, there are no courts left to do same, but if that is true, it's worse than a bill of attainder (pains & penalties), so what is the real reason ? It is my understanding, per Rules of Criminal Procedure for the District Courts, Rule 5-601-B, and especially, C (1) (2), of which there are plenty of defects, that all issues must be raised before trial and the only way I see that this can be done is to have a hearing before trial. Also, pursuant to, State v. Franklin 78 N.M. 127, 428 P.2d, 982 "(counsel is required to advance any point for reversal requested by defendant **even if counsel has no confidence in any point or cannot in good faith support such point).**" I suppose this means once a guilty verdict is rendered, which means a trial must occur, but I believe if my issues are resolved as shown in the request for hearing, supra, this matter will not go to trial. Then again, maybe I'm wrong there too. Please, review the request for hearing document, filed on November 24, PM 3:37, AND THE REQUEST FOR DECLARATORY JUDGMENT FILED ON NOVEMBER 24, PM 3:46. You know the court and the officers thereof are proceeding per 14th amendment procedural due process, but if my request for declaratory judgment brief is "well taken," as same should be because of the **authority used,** I do not see or understand HOW 14TH AMENDMENT PROCEDURAL DUE PROCESS CAN LAWFULLY BE ADHERED TO. And, once again, a plea in abatement is the proper procedure for dismissal in this particular rather than a motion to dismiss. Accord Abatement and Revival KEY 30, DEFECTS OR IRREGULARITIES IN PROCESS OR SERVICE. I will close by saying what all the licensed attorneys say to me, and that is, GOOD LUCK ! Apparently there is no **law** to depend on, just LUCK.

Donald-Blaine: [Bailey], Jus sanguinis, Jus coronae
Second judicial district-305-Little-Johnson-Valley-Road-Kingston : Tennessee;
C/o- 1325-Lopez-Drive- S.W.
Albuquerque : New Mexico,
Zip Code Exempt per Public Law 91-375, Section 403 (b) (2) (c), Domestic Mail Services-122.32., Re: Zip Code

P.S. DO NOT SEND ANY MAIL TO ME AT ANY ANTI-CHRIST NATIONAL AREA ZIP CODE MODE OF ADDRESS.

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16. Although I, ***Donald-Blaine***: [Bailey], am not the "defendant" as described in the documents emanating from the accusers, et al., but since the accusers, including Ronald Grenko, et al. insist I am the "defendant," under duress, I did request the foregoing in the letter to Ronald Grenko. The above letter in this document is a "cut and paste version," but is an exact "copy" of the original it represents, minus, my signature. Ronald Grenko, has steadfastly

refused to raise any of the issues I have asked for. I have asked, Ronald Grenko, over the telephone, to bring up these issues thinking that if he was a man of integrity this would be sufficient. Now I know it does not matter to him what I ask for via telephone, OR REQUEST IN WRITING, so, State v. Franklin/State v. Boyer, supra, are meaningless, **NOW**, due to the **merger** of law and equity, and the **development** thereof ? I'm not **that** stupid !

17. Also, the Second judicial district attorney personnel refuse to respond to The Petitioner's demand for a Bill of Particulars, filed on November 4th, 1999, in the, "Bernalillo county district court," and ignoring the New Mexico Constitution, as, it is mandated, with my emphasis: "In **all** criminal prosecutions, the accused shall have the right to appear and defend himself in person, **and** by counsel; to demand the **nature** and **cause** of the accusation...;" Both of these provisions are denied to me, and by not responding to my demand for the Bill of Particulars, this is their way of letting me know that I **do not** have **any right** to know the **nature** and **cause** of the accusation(s);" They, as, Ronald Grenko, do not care that the Court says in United States v. Smith, 776 F.2d. 1104, at 1111: "A bill of particulars, **unlike discovery,** is not intended to provide the defendant with the **fruits** of the government's investigation. More importantly, a bill of particulars, is designed to **define and limit** (set the parameters of) the government's case." (my emphasis).This is all I want, especially the "**define**" aspect, and this is all I ask for. But they say, NO !!

18. The following is another classic example of a violation of the New Mexico Constitution, Article II (2) Bill of Rights, Section 14, third paragraph, supra (#17, above), and **this Constitution,** and another of many subversions seemingly ad infinitum. For example, in the DECLARATION OF RIGHTS of the compiled laws of New Mexico, of 1897, Section 3765, in pertinent part, It is written: "In all criminal prosecutions,..... the accused shall have the right of being heard by himself or counsel, **or both**." In Section 3778, it is written: "Every man shall be free to defend himself by himself, or by any other person in any court..... . In Section 3779, the reasons for these provisions are given, with my emphasis, it is written: "TO GUARD AGAINST TRANSGRESSIONS OF THE HIGH POWERS HEREIN **DELEGATED**, WE DECLARE THAT **EVERYTHING** IN THIS BILL OF RIGHTS, IS EXCEPTED OUT OF THE GENERAL POWER OF GOVERNMENT, AND SHALL **FOREVER REMAIN INVIOLATE,** AND ALL LAWS CONTRARY THERETO, OR TO THE PROVISIONS THEREOF, SHALL BE ***VOID***." Apparently, FOREVER is over and ended, and inviolate, which at least meant, to **keep *SACRED*** AND ***UNBROKEN,*** now means the opposite which is right in line with the reversal of the original order of things established by, the People. The term, **DELEGATED,** is no longer in vogue, and this is because most of the courts have failed miserably in not caring about the stealthy encroachments against **constitutionally secured rights and granted powers**. If this is not sedition or treason or both, WHAT IS ? That which is shown above, in #17/18, also violates Article 1 sec.10, in that it grants a Title of nobility, as an **Esquire, only**, can proceed in the Court, which is also an ex post facto law (?), and I have been advised that the only reason I am "allowed" to file papers is to **pacify** me, and to see if there is anything I say that can be used against me, and this is all that is looked for in my documents, other than to deny, my requests, and most past results, confirm this.

19.The purpose of the following shows two examples, of many, the **fruits** of **subversive activities** and involves

Case, CR-97-0-3569, and **same fruits will obviously continue** if This District Court denies my requests, supra, and what follows is only the "tip of the iceberg." Although the following as well as the foregoing, will probably be, "not well taken", and everything I request, DENIED as prior experience hath shown, as, also not "well taken" by, James Shuler, COUNTY OF EDDY, N. M district judge, et al. The New Mexico Court of Appeals, say in, STATE v. BAILEY, 118 N.M. 466, that he, James Shuler, acted "without authority" by/in issuing an injunction against me, ***Donald-Blaine:*** [Bailey], or technically, against IT, Donald B. BAILEY, but still, they reversed the "without authority" order, although the Court of Appeals affirmed the citation for contempt for not obeying the "without authority," invalid order, ignoring the "inability to comply" provision, explained infra, and the 30 days appeal time for a "direct attack" by approving the kidnapping (arrest) during the appeal time for not obeying the invalid "without authority" order, which forced me, or, IT, to attack "collaterally," as the Court called it, and ignoring the fact that, Judge, James Shuler, said on the record, that, **I could not** appeal the injunction, only the fines, and the N.M. Supreme Court, agrees, as that Court denied a petition for writ of certiorari, from attorney Peter Rames, and later, my personal request for reconsideration, as both Courts disagree with the "one supreme Court," wherein that Court says in Elliott et al. v. Piersol et al. 1 Peters 340, and reaffirmed in Wilcox v. Jackson, 13 Peters 498, 511, the following, verbatim, in pertinent part: "But if it (Court) act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void. They constitute no justification; and all persons concerned in executing such judgments or sentences are considered in law, as **trespassers**" (my emphasis). What does this say the N.M, SUPREME COURT AND N.M. COURT OF APPEALS ARE ? Both Courts, also chose to disagree with the following "authority." In People ex rel Tweed v. Liscomb, 60 N.Y. 559, at 568, the Court said: "It matters not what the general powers and jurisdiction of a court may be; if it act "without authority" in a particular case, its judgments are mere nullities, not voidable, but simply void, protecting no one acting under them, and constituting no hindrance to prosecution of any right." And, in Ex Parte Fisk, 113 U.S. 713 at 718, the Court said: "When, a court of the U.S. undertakes by its process of contempt to punish a man for refusing to comply with an order which that court had no authority (no jurisdiction) to make, the order itself, being **without jurisdiction** is void and the order punishing the contempt is equally void." Later, I am advised by Peter Rames, another learned in the law licensed attorney here in Albuquerque, N.M., that the "Fisk" case only applies to U.S. Courts and not to State Courts, and the other cases, supra, are not **holding** cases in N.M. **So far**, he, Peter Rames, is proven to be correct. But, is there a double standard here ? I, ***Donald-Blaine*:** [Bailey], RELIED IN GOOD FAITH ON ALL OF THE FOREGOING AUTHORITY, although I made a good faith effort to honor the invalid without authority order. The NM Motor Vehicle Dept. Personnel **REFUSED** to issue a NM driver's license, that, Judge Shuler, ordered IT, BAILEY, to get, because I could not provide a valid Social Security **Number**, and same is refused TODAY, and FOR THE SAME REASON ! Same is required for insurance, etc. I now **know** this so called Social Security **Number** has all of the **earmarks** of the **"mark" of the Beast "** as described in Revelation 13 verses 16/17. The Holy Scriptures are spiritually discerned. In verse 16, the forehead means the seat of the intellect, and the right hand is the symbol of work or labor. Also, in

99% of all situations, we must provide a S. S. Number, to work, to earn, so we can buy/sell. These judicial virtue tactics of the Courts, supra/infra, **attempt** to **force** me to have or get the "**number**" and become a transgressor of the "true law" and is straight out of the mind of Satan ! Accord, *The Holy Scriptures*, First Chronicles, Chapter 21, verses 1- 8, and, Stevens v. Berger, 428 F. SUPP. 896; Best v. Calif.. Apprentice Council, 207 CAL. REP. 863, at 869.

20. Before the **merger** of law and equity and the development (?) of the law (hereinafter, **merger**), there were three (3) essential elements that comprised "jurisdiction." Accord, Reynolds v. Stockton, 140 U.S. 254 at 268; New Mexico Law Review, Vol. 5, p. 102. Today, because of the **merger**, there are only two (2) essential elements required. Accord, STATE V. BAILEY, 118 N. M. page 468, right column, first paragraph. The third essential element, before the **merger**, was: "The point decided upon must be in substance and effect within the issue." Thanks to the **merger**, this 3rd essential element comprising jurisdiction, is no longer necessary, BUT, IT IS of historical interest---- only. Accord, STATE v. BAILEY, 118 N. M. 466 at 469. My contention that I did not "fit" the second essential element in that I was not one of the **proper parties**, per the doctrine of noscitur a sociis, fell on deaf ears also. Still, the one supreme Court say in D'arcy v. Ketchum, 11 How. 165: "Any attempt to exercise authority beyond those limits (the 3 essentials) would be deemed in every other forum, as has been said by this court, an illegitimate assumption of power, and be resisted as mere abuse." This is reaffirmed in Pennoyer v. Neff, 95 U.S. 565 at 568. Also, In Cohen v. Virginia, 6 Wheat 264, 5 L. Ed. 257, and restated (reaffirmed) in U.S. v. Will, 66 L. Ed. 2d. 392, the "one supreme Court" say on page 406: "We (courts) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be **treason** to the Constitution." And, in U.S. ex rel. Brookfield Construction Co. v. Stewart, 234 F Supp.; 339 F. 2d. 753, the courts say: "when a Public Official (Judge) exceeds his statutory authority, he has ceased to represent the government." Not so, says the N.M. Court of Appeals and the N.M. Supreme Court. They refer to the above cases as raising "vague issues" and say that I, or rather, IT, whom they too insist is, Donald B. **BAILEY**, offered no citations in support of his position. Accord, STATE V. BAILEY, 118 N. M. page 469, # [10]. Apparently, the case of Leahy v. District of Columbia, 833 F. 2d. 1046, was deemed a "no citation," also. The Leahy court said, in essence, that demanding a Social Security **Number** to obtain a Driver's License is a violation of Leahy's right to free exercise of religion and he (Leahy) is entitled to monetary damages for the District of Columbia, demanding a Social Security **Number**. The same thing is **demanded** here in New Mexico. According to Peter Rames, licensed attorney, "the Leahy case is not a holding case in "New Mexico." Maybe not, but it should be a holding case in the District Court for the District of New Mexico. So, Leahy is entitled to monetary damages, and, "BAILEY," is entitled to serve time in jail, and in a **federally condemned jail**, "**to boot**," for the same identical situation. Absolutely nothing wrong with this picture is it ? Of course not !! It's **business** as usual, in, "NM." Instead of the N.M. or NM Court of Appeals saying that I, ***Donald-Blaine:*** [Bailey], or, rather, IT, Donald B. "**BAILEY**," offered NO CITATIONS, the Court should have said, "Because defendant offers **no acceptable citations**..... ." Once again, these judicial virtue tactics **attempt** to **force**

me to become a transgressor of the "true law." Stevens v. Berger; Best v. Calif.. Apprentice Council, supra. In addition, the N.M. or the NM STATE Courts, interpret my affidavit of rescission for fraud of Social Security **Number** as proof, that I, ***Donald-Blaine***: [Bailey], **have** a valid binding Social Security **Number**, and my Positive Public Identification Affidavit only serves to be proof that I, ***Donald-Blaine***: [Bailey], am trying to conceal my identity, which is converted into a statutory crime because of the Law en**FORCE**ment personnel's same interpretation. I was also **warned** by Peter Rames, and in writing, that I would be in for a very unpleasant experience if I ever came up before Judge James Shuler, again, because, "Judges don't take reversals very well." The decision was handed down in August, 1994. As it always is, 99% of the time, I am kidnapped (arrested) (13 times since 1989) in August, and mostly near the time of the sad anniversary of my **dear** friend and wife's death. This time was no exception. On August 27, 1994. I, or IT, was kidnapped (arrested) and charged **falsely** with several crimes, including, aggravated D. W. I., negligent use of a deadly weapon, "concealing identity," resisting an Officer, and, other "crimes" and I have not had a trial yet, NO, not to this day. I was, however, DETAINED for 13 months. The Judge, Bill Sadler, wrote in his own handwriting, on **that** criminal complaint: "P.C. (probable cause) on resisting and concealing "I.D. ONLY," meaning, resisting A **"PEACE OFFICER,"** and concealing identity. He, Judge Sadler, signed his initials, (B.L.S.) and put(inserted) the date and the time. My made a matter of record, in Oct., 1991, Positive Identification Affidavit, affirmed under penalty of perjury was not acceptable for "I.D. purposes." I was put in an "isolation lockup cell," not allowed access to a law library, no phone calls, no pencil, no paper, and, no visitors, however, later, I obtained paper, etc. through other inmates. Over a month later, I am forced to walk (waddle) in leg irons and handcuffs, (same as usual) from jail, to the magistrate court for arraignment, as I was told, and put in what is called a conference room. Sometime later, a Public Defender by the name and surname of, Daniel Banks, came in. He advised me that the charges were all "mickey mouse" and the purpose of the hearing was to have the public defender dept. recused so I could,---"represent myself". I replied by saying: "Daniel, how can I represent myself, when, I AM MYSELF ? I told him that I will only be claiming the rights guaranteed for me via the **blood stained** documents like the **Statute of 1776**, **this Constitution**; the doctrine of Noscitur a sociis etc., where applicable. We went into the courtroom. He walked and I waddled. (I use the term "waddled" because that is what Judge Bill Sadler ordered me or IT to do by saying **:** "MR.. **BAILEY**, **WADDLE** ON UP HERE "). I was **forced** to sit at a table, **by myself**, inside the, apparently exclusive, Title of Nobility, Esquire, "**B.A.R.** AREA," a place where I know I have no business. Daniel Banks, sat beside the Assistant D.A., at the table across from me. When another Magistrate, Larry Wood, walked in, Daniel, seemingly started talking in a foreign language, at least it was way over my grasp, except for one thing, I did grasp, and that was something about a competency hearing, (just like what I am facing now in this CR-97- 0-3569 Controversy, as that is what Ronald Grenko, another "B.A.R." licensed attorney, is demanding, from me). The Assisstant D. A. did not utter a word. Daniel Banks, did all the talking. Anyway, Daniel Banks, **lied** to me about the true purpose of the hearing and I was forced to "waddle" back to jail whereupon I was immediately put in what is called the "infirmary" room., aka the,. SICKO WARD. I am still convinced this was all

preplanned for the few personal items I had, were in the SICKO WARD when I got back. I will not elaborate on the conditions of that experience except to say, I did, after about 45 days of mental torture, mockery, etc. from certain jailers, pray for death. It would have been a sweet blessing. Sometime in October, or November, 1994, I was forced to waddle over to "James Shuler's" court, where I was **not allowed** to speak, and, Daniel Banks, waxed eloquently, again. "James Shuler," determined that I did need to see a psychiatrist and he was going to appoint, Dr., as he pronounced it, Laff or laugh, as he looked over at me and chuckled. I knew then beyond doubt what licensed attorney, Peter Rames, meant, when he said that I would be in for a very unpleasant experience if I ever came up before "**James Shuler**," again, "because judges don't take reversals very well." It was determined by this Doctor, whose surname is spelled, Lev (I discovered this later), that I have persecutory ideations or as explained in lay terms, "hallucinogenic as to government." Dr. Lev, also made two phone calls to Judge Shuler, for advice, during our interview. Later, In reading Dr. Lev's report, he did not get the truth straight either, in certain situations, for example, he, Dr. Lev, says, that I said, a State Policeman hit my car and charged me with reckless driving. The **truth** is, the State Policeman, W. Jennings, said in his written report, that, M. A. (CHUNKY) Click, (who at that time was a brand new recruit in the COUNTY OF EDDY NM Sheriff's department) "struck my unit," meaning, HE, CHUNKY Click, hit my, ***Donald-Blaine***: (Bailey's), automobile. W. Jennings was not allowed to testify, according to Tom Rutledge, Fifth Judicial District Attorney, because, as he said, "it will be a conflict of interest." So, he, MR. RUTLEDGE, can tell the truth too, when it is in his best interest to do so. M. A. (CHUNKY) Click, hit my car broadside, in my own yard, in my own driveway by taking a shortcut across a field. M. A. (CHUNKY) Click, also committed perjury on the witness stand by saying, "MR. BAILEY, struck my unit," meaning, that I, or, IT, BAILEY, hit his car (unit). What did perjury do for M. A. (CHUNKY) Click ? Today, he is the Sheriff, of, COUNTY OF EDDY, NM ! If the **truth** about the sordid incidents regarding my plights in Eddy County NM are ever revealed, in any Court, it will sound the alarm of absolute despotic **depraved** tyranny throughout the country, because of the **true** reasons behind same which were, among other reasons, an attempt to run me off and cover up the **truth** of the "hazardous to health land" sold as residential acreage to my wife and me through Russell Sadler, Real Estate Co., which turned out to be a poison toxic waste **dump** and was actually zoned heavy industrial and not residential, and the benevolent City Government of Carlsbad was the **dumpster** in that nightmare, but there was no record of same at the time, and later, to cover up the surreptitious death of my wife; and her doctor, Dr. McCollum, I now know, was improperly issued credentials by Guadalupe Medical Center, now known as Columbia Medical Center. These incidents are so full of **evil** acts it is mind boggling ! It all boils down to **GREED**, jealousy, ignorance and deliberate stupidity on the side and in the EVIL **reprobate** minds and seared hearts of my adversaries, and my own gullibility and stupidity, being an easy mark. I cannot complain in the same sense, altogether, about this particular, CR-97-0-3569 matter, because there are two people (aka civilians) who apparently filed a complaint but who lied through their teeth, as proven by their own contradictory written reports, and it is the only time in my life that this has happened, i.e. where any non government agent has filed a complaint against me; or IT, BAILEY. Every other

incident involves the so called servants of the law, filing complaints, with absolutely no probable cause other than probably cause they want to and I have had them to tell me so. "Probably cause I want to." My disagreements with this particular, CR-97-0-3569 Case, also regards the issues of venue and jurisdiction, Sovereignty, i.e. why it is insisted upon that, I, ***Donald-Blaine*:** [Bailey], am a Subject, artificial entity, Nom de guerre, etc., strictly amenable to **statutory law**-crimes, etc. and not a Sovereign Citizen, amenable to common law crimes, venue and jurisdiction. I, ***Donald-Blaine*:** [Bailey], still contend that I have not been charged with anything regarding this CR-97-0-3569 morass, because for one reason, I, am not, DONALD BAILEY; DON BAILEY; DONALD BLAINE BAILEY; ETC., OR DONALD-BLAINE: BAILEY, IN ALL CAPITAL LETTERS, or, Bailey, Donald-Blaine:, and for other reasons, that, STATE OF NEW MEXICO, ET AL. considers, unacceptable, and my inability to comply situation is ignored by, TITLES OF NOBILITY AND TRAITORS. The "inferior" courts, in N.M., have, in the past, refused to "entertain" common law petitions for writs of habeas corpus, and the cowardly reprobate traitors in the New Mexico Supreme Court refuse to perform their constitutionally mandated duty to issue common law petitions for writs of mandamus and prohibition, so the inferior courts proceed, with me in jail attire, in front of ½ of a jury, that I don't want, ignoring the fact that the N.M. Supreme Court has been timely and duly served the petitions for the writ of prohibition and mandamus and as far as I'm concerned, by proceeding under these circumstances, this is **usurping** the authority of the N.M. Supreme Court, but since the N.M. Supreme Court could care less, what difference does it make ? The fact that I, am, or, IT, BAILEY, is found guilty because of perjured testimony from my accuser(s) doesn't matter. CONTROL MATTERS. ALL THAT MATTERS IS KEEPING THE GOOD SHIP NM AFLOAT. After I serve "the time," the very next day after I am released or discharged, the **cowardly** N.M. or NM Supreme Court does act on the petitions for writ of mandamus and prohibition and DENIES SAME WITHOUT OPINION ! And, I have persecutory ideations ? **PLEASE**, GIVE ME A BREAK !!! I will qualify my opinion of the N.M. or NM Supreme Court, somewhat, by saying I do not know if it is an IT, OR, HE, OR SHE, OR, THEY, BECAUSE NO NAME IS EVER SIGNED TO THE WITHOUT OPINION DENIAL ORDERS. Aside from this, MY OPINION STANDS ! BUT IT IS NOT JUST MY OPINION, IT IS ANOTHER TRUTH OF WHICH MY ADVERSARIES HATE ! Therefore, I am **forced** to presume this truth includes everyone on the N.M. or NM Supreme Court, or at least for the most part, Ex so called justice(s), AS WELL AS AT LEAST ONE SO CALLED JUSTICE THERE TODAY, Eugene FRANCHINI, a so called justice, which means, just us? Justice is for, Just us? The NM Supreme Court have, just like King George, as stated in the Statute of 1776, forbidden, plundered, refused, constrained, obstructed, DENIED, and combined with others to subject me to a jurisdiction and venue foreign to, **this Constitution,** supra, and, by condoning fraud, perjury, covin, dissembling, deceit, theft, undue influence, misrepresentation, bad faith dealing, and underhanded **foul** blow tactics on the part of my adversaries including licensed attorneys, Kurt Reif, a criminal lawyer, and he truly was, a criminal lawyer (who was **supposed** to be my **counsel,** (?) appointed by, Fred Watson, in the PB-90-106-W-JWF, matter), David Vandiver, John Fisk, Lesley Williams, Tom Rutledge, Tom Udall, Albert Granger, Diane Reed, et al.I can take and live with hard blows, but foul blows should be declared intolerable. The N.M. Supreme Court has, or had, proof of what I am still

claiming and can prove and I challenge that court to have a show cause hearing as to why **I, *Donald-Blaine*:** [Bailey], should not be held in contempt of that so called honorable court if I cannot prove what I have stated. Not only that, what I have stated is stated under the penalty of perjury, so here is their, or "its" **opportunity** "to see to "it" that I am convicted of a felony, if I cannot prove that they, as well as "others," their cohorts, etc., are dens of iniquity." I have been advised that if the NM Supreme Court reads or hears about what I have said, and they will, they will be doing somersaults. Well fine, they can follow up on that by doing a few cartwheels, and since they have proven themselves to be FLIPPANT, they can follow up on the cartwheels by doing a few FLIPFLOPS !!! I still believe that, FRAUD **VITIATES** THE MOST SOLEMN CONTRACTS, DOCUMENTS, AND EVEN JUDGMENTS. Accord, U.S. v. Throckmorton, 98 U.S. 61; Maxfield lessee v. Levy, 4 Dall. 330, 335.6; Talbot v. Jansen, 3 Dall. 133/150.

21. If a hearing is set, by This District Court, as requested by The Petitioner, in the Notice of hearing document, included herein, The Petitioner will be more specific with the proof regarding the above stated true facts which is only the tip of the iceberg and of which The Petitioner requests to be more specific about later, with the proof, which **should shock** any unseared heart and conscience, especially pertaining to the surreptitious death of my beloved friend and wife and the events that followed including **desecrating** a dead body, that of my friend and wife.

WHEREFORE, I, *Donald-Blaine*: [Bailey], under duress, because of the fear of force of arms, because of the **threat** of force of arms; and because of **undue influence** by and through Ronald Grenko, et.al., **RESPECTFULLY DEMAND,** THAT THIS COURT SET A HEARING DATE REGARDING THIS MATTER, AND ISSUE, AT LEAST, A TEMPORARY RESTRAINING ORDER to THE SECOND JUDICIAL DISTRICT ATTORNEY'S OFFICE, IN THE SECOND JUDICIAL DISTRICT, Albuquerque, New Mexico, to cease temporarily from proceeding in case # CR-97-O-3569, UNTIL A FINAL DETERMINATION IS MADE REGARDING WHETHER OR NOT, The Petitioner, ***Donald-Blaine:*** [Bailey], is, or is not, a citizen of the United States, within the meaning, purpose, and intent of the Fourteenth Amendment of the United States Constitution of 1868; AND IF NOT, WHETHER OR NOT THE PETITIONER IS STILL AMENABLE TO PROCEDURAL DUE PROCESS AS IS MANDATED BY THE FOURTEENTH AMENDMENT, and The Petitioner requests any other relief that, **this Court** has or may have the authority to grant and deems fair and just, considering that The Petitioner is homeless, destitute, battered and emotionally shattered because of the deplorable depraved acts, as partly explained, supra.

Donald -Blaine : [Bailey] Jus sanguinis, Jus coronae

***Donald-Blaine*:** [Bailey], Jus sanguinis, Jus coronae
Second judicial district-305-Little-Johnson-Valley-Road-Kingston : Tennessee;
C/o- 1325-Lopez-Drive- S.W. Albuquerque : New Mexico,
Zip Code Exempt per Public Law 91-375, Section 403 (b) (2) (c),
Domestic Mail Services-122.32., Re: Zip Code Use

Seal of the District Court for the New Mexico Judicial District

Date_____

Be it known that Donald- Blaine : (Bailey) did personally appear before me in Bernalillo county, New Mexico, on the 26 th day of January, in the year of our Lord and Savior, Yahshua, Yhwh, The Christ, Two thousand, and affirmed under the penalty of perjury, pursuant to the Laws of the united States of America, [Title 28, U. S. C. Section 1746 (1)] that the foregoing is true and not misleading and did execute and affix the above signature and seal hereto and affirms that the purpose of the jurat is for oath/affirmation and identification only and without being used for indicating entry into foreign jurisdictions.

The State of New Mexico)
) Affirmed
Bernalillo county)

The undersigned, Notary Public for said state, being familiar with Donald-Blaine:(Bailey), does witness the subscribing of this document on the 26 th day of January, Two thousand.

Witness the hand and official seal:

OFFICIAL SEAL
M. J. HERMAN, JR,
NOTARY PUBLIC - NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires

My Commission Expires: 18 Feb 2003.